IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3021 OF 2001

Seventilal and Sons ..Plaintiff

Vs.

Caplin Point Laboratories Ltd.& Anr...Defendants

Mr.N.R.Patel for the plaintiff

None for the defendants

CORAM : S.U.KAMDAR, J
DATED : 30TH JANUARY, 2006

P.C.:

1. The present suit is filed in respect of goods sold and delivered for the recovery of sum of Rs.8,58,838 with further interest @ 18% p.a. on the principal amount of Rs.3,85,550. It is the case of the plaintiff that the present suit is based on two invoices dt.6.6.96 and 12.6.96. It is the case of the plaintiff that in respect of both the aforesaid invoices two part payments are made of Rs.50000 each; on 22.11.98 and 31.12.98 respectively. Both these payments are adjusted by plaintiff against each of the invoices. In that view of the matter, suit claim is within time. Defendants are served. Affidavit of Service

dt.4.2.05 is taken on record. Inspite of service, none appears on behalf of the defendants. Plaintiff has tendered the original documents which are taken on record and marked Ex.A collectively.

2. In view of the aforesaid, there shall be decree for the sum of Rs. 8,58,838/- with further interest @ 12% simple interest on the principal amount of Rs.3,85,550/-. Suit is disposed of accordingly. Refund of court fee as per rules.